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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,179	08/20/2003	David T. Ross	457390	5706

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SEYFARTH SHAW LLP  
55 E. MONROE STREET  
SUITE 4200  
CHICAGO, IL 60603-5803

EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/644,179

Applicant(s)

ROSS, DAVID T.

Examiner

Hanh V. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/26/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is the First Office Action on the Merits from the examiner in charge of this application in response to applicant's election filed on 2/13/2006.

#### ***Election/Restrictions***

2. Applicant's election without traverse of Species I, figures 2-5 in the reply filed on 2/13/2006 is acknowledged.

3. Claim 19 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/13/2006.

#### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 30, 101. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation in claims 5 and 14 of “a second projection on the wall and having a base portion extending rearwardly from the rear side wall and an attachment portion integral with the base portion of the second projection” must be shown or the feature(s) canceled from the claim(s). Basically, the drawings fail to show first and second projections on the wall each having a base portion and an attachment portion as claimed. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

6. The disclosure is objected to because of the following informalities: page 5, line 5, "drawer 40" should be "drawer front 40".

Appropriate correction is required.

***Claim Objections***

7. Claim 4 is objected to because of the following informalities: line 2, "parallel to the second plane" should be "parallel to a second plane". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 11-18, and 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In each of the independent claims, the term "and/or" is vague, thus indefinite for failing to clearly define the metes and bounds of the claimed invention. In claims 16 & 17, (1) the term "the attachment portion" is vague, thus indefinite for failing to clearly define whether it is the attachment portion of the mounting structure or the attachment portion of the front panel wall, and (2) the limitation of the attachment portion including "a folded-under portion" is vague, thus indefinite for failing to clearly define the metes and bounds of the claimed invention, since it is not clear what is a folded-under portion.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-7, 9-12, 14-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 2,842,420 to Hansen et al.

Hansen et al discloses a drawer comprising all the elements recited in the above listed claims including, such as shown in Fig 1, a drawer body including a bottom wall and a peripheral wall structure 11-12 extending upwardly from the bottom wall, mounting structure on the peripheral wall structure and including a base portion projecting forwardly from the peripheral wall structure and an attachment portion projecting from the base portion and extending above and below the base portion, a front panel 10 having an elongated panel wall having a front side and a rear side, first and second projections on the panel wall each having a base portion extending rearwardly from the rear side of the panel wall and an attachment portion integral with the base portion and extending therefrom along the rear side of the panel wall for cooperation with the rear side of the panel wall to define a channel therebetween in opposite directions, the attachment portion of the mounting structure being slidably receivable in the channel of the front panel 10, the peripheral wall structure including two side walls 11-12, the mounting structure including portions projecting from each side wall 11-12; wherein the projection is substantially T-shaped in transverse cross-

section, the drawer pull projects forwardly of the wall and extends the entire length thereof.

12. Claims 1-3, 8, and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 5,161,870 to Mason et al.

Mason et al discloses a drawer comprising all the elements recited in the above listed claims including, such as shown in Figs 1-2, a drawer body including a bottom wall 12 and a peripheral wall structure 14 extending upwardly from the bottom wall, mounting structure, such as shown in Fig 2, on the peripheral wall structure and including a base portion projecting forwardly from the peripheral wall structure and an attachment portion 34 projecting from the base portion and extending above the base portion, a front panel 20 having an elongated panel wall having a front side and a rear side, a projection on the panel wall each having a base portion extending rearwardly from the rear side of the panel wall and an attachment portion 48 integral with the base portion and extending therefrom along the rear side of the panel wall for cooperation with the rear side of the panel wall to define a channel therebetween; wherein the attachment portion 48 extends substantially parallel to a facing portion of the rear side of the wall, the channel extends the entire length of the wall, and the front panel is crimped to the mounting structure.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason et al.

Mason et al discloses all the structural elements recited in the above listed claims as discussed in paragraph #12. The differences being that Mason et al does not disclose the method of making the drawer as recited in claims 21 and 22. However, since Mason et al discloses all the structural limitations recited therein, it would have been obvious and well within the level of one skill in the art to perform the method steps recited in claims 21-22.

### **Conclusion**

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lin, Doan et al, Domenig, van der Heiden et al; Courtwright, Ohnstrand, Bauer, Kohler, and Taplin all show structures similar to various elements of applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-




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6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT  
March 6, 2006



**Hanh V. Tran**  
**Art Unit 3637**